

REMARKS/ARGUMENTS:

The above-identified patent application has been amended and Applicants respectfully requests the Examiner to reconsider and again examine the claims as amended.

Claims 1 to 45 are pending in the application. Claims 1 to 45 are rejected. Claims 1, 34 and 39 are amended herein. Claims 4, 25-33 and 36 are cancelled herein.

In accordance with the revised provisions of 37 C.F.R. §1.121(c) a marked up version of the amended claims is provided hereinabove.

The Rejections Under 35 U.S.C. §102(b)

The Examiner rejects Claims 1, 10, 15, 18-21, 25-26, 28-30 and 40-41 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,491,810 to Allen (hereinafter Allen).

Applicant has amended Claim 1 (as well as claims 34 and 39) to require that the expression includes at least one property and that when the expression includes more than one property then the expression further includes at least one logical operator which relate the one or more properties.

Applicant submits that Claim 1 is patentably distinct over Allen since the cited reference neither describes nor suggests an expression wherein the "expression includes at least one property and that when the expression includes more than one property then the expression further includes at least one logical operator which relate the one or more properties" as set forth in Claim 1. Instead, Allen discloses at column 3, lines 25-31 a list of preference/requirement parameters which are listed in an hierarchical order. Allen further discloses at column 3, lines 38-42 that "[T]he data set preference/requirement parameter hierarchy is established for each

data set, listing each parameter from a "most important " to a "least important" parameter." Thus, in Allen there is no expression and no logical operators. Allen merely discloses a hierarchical list of properties and does not disclose expressions containing one or more properties in the expression or logical operators relating the properties. In contrast to amended claim 1, Allen does not disclose or suggest an expression wherein the expression includes at least one property and that when the expression includes more than one property then the expression further includes at least one logical operator which relate the one or more properties.

Accordingly, Applicant submits that Claim 1 is patentably distinct over Allen. Claims 10, 15 and 18-21 depend from amended claim 1 and are believed allowable as they depend from a base claim which is believed allowable. Claims 25-26 and 28-30 are herein canceled. Claim 39 has been amended to include the same language as that added to claim 1, is also believed allowable, and claims 40-41 are believed allowable as they depend from a base claim which is believed allowable.

In view of the above, Applicant submits that the rejection of Claims 1, 10, 15, 18-21, and 40-41 under 35 U.S.C. §102(b) should be removed.

The Rejections Under 35 U.S.C. §103(a)

The Examiner rejects Claims 2-9, 11-14, 16-17, 27, 31-39 and 42-46 under 35 U.S.C. §103(a) as being unpatentable over Allen. As discussed above, independent claims 1, 34 and 39 have been amended to include that the expression includes at least one property and that when the expression includes more than one property then the expression further includes at least one logical operator which relate the one or more properties. Claims 2, 3, 5-9, 11-14, 16-17, 34, 36-39 and 42-46 depend from claims 1, 34 or 39 and are believed allowable as they depend from a base claim which is believed allowable. Claims 4, 27, 31-33 and 35 have been canceled. Accordingly, Applicant submits that the rejection of Claims 2-9, 11-14, 16-17, 27, 31-39 and 42-46 under 35 U.S.C. §103(b) should be removed.

Appl. No. 09/909,025  
Amdt. Dated: November 24, 2003  
Reply to Office Action of September 3, 2003

Docket No. EMC-011PUS

In view of the above amendment and remarks, Applicant submits that Claims 1-3, 5-24, 34, 36-45, and the entire case are in condition for allowance and should be sent to issue and such action is respectfully requested.

If the Examiner has any questions regarding this Amendment or this application, he or she is respectfully invited to telephone the undersigning attorney.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

Respectfully submitted,

Dated: 24-Nov-03

DALY, CROWLEY & MOFFORD, LLP

By: David W. Rouille  
David W. Rouille  
Reg. No. 40,150  
Attorney for Applicant(s)  
275 Turnpike Street, Suite 101  
Canton, MA 02021-2354  
Tel.: (781) 401-9988, ext. 25  
Fax: (781) 401-9966